

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

NIPPON SHINYAKU CO., LTD.,)	
Plaintiff,)	
)	
v.)	
)	C.A. No. 21-1015 (GBW)
SAREPTA THERAPEUTICS, INC.,)	
Defendant.)	
)	<div style="background-color: black; width: 150px; height: 1.2em;"></div>
SAREPTA THERAPEUTICS, INC.,)	
Defendant and Counter-Plaintiff)	
)	
v.)	
)	
NIPPON SHINYAKU CO., LTD. and)	
NS PHARMA, INC., Plaintiff, Counter-)	
Defendants and Counterclaimants.)	

**COUNTER-DEFENDANTS NIPPON SHINYAKU CO., LTD. AND NS PHARMA, INC.’S
MOTION FOR LEAVE TO FILE AN AMENDED ANSWER TO SAREPTA
THERAPEUTICS, INC.’S COUNTERCLAIM AND NEW COUNTERCLAIMS**

Pursuant to Federal Rule of Civil Procedure 15(a)(2) and paragraph 2 of the Scheduling Order (D.I. 43), Counter-Defendants Nippon Shinyaku Co., Ltd. and NS Pharma, Inc. (collectively, “NS”) respectfully move the Court for leave to file an Amended Answer to Sarepta’s Counterclaims and New Counterclaims to add a defense of inequitable conduct and asserted new counterclaims of inequitable conduct and *Walker Process* fraud. The grounds for the instant Motion are set forth in NS’s letter brief filed concurrently herewith.

A copy of Counter-Defendants’ Amended Answer to Counter-Plaintiff’s Counterclaims and New Counterclaims is attached hereto as Exhibit 1, and a blackline version of the of the proposed pleading showing the changes from the prior pleading (D.I. 96) is attached hereto as Exhibit 2.

Pursuant to Local Rule 7.1.1, the undersigned certifies that a reasonable effort has been made to reach agreement with Sarepta on the matters set forth in the instant Motion, but the parties were unable to reach agreement.

Dated: March 23, 2023

Respectfully submitted,

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